

AMENDED IN ASSEMBLY JANUARY 23, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1231

Introduced by Assembly Member Jerome Horton

February 22, 2005

An act to add Section 40866 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1231, as amended, Jerome Horton. Air pollution.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

Existing law establishes one or more hearing boards in each district for the purposes of performing specified functions, including, but not limited to, issuing orders of abatement and issuing, extending, renewing, and reissuing variances from specified provisions of law relating to excess emissions by stationary sources and the products of stationary sources. Existing law provides that the terms of the members of a hearing board are three years, and sets forth the

procedure a hearing board is required to take with respect to hearings conducted by the hearing board.

Existing law provides for variances from specified provisions of law relating to excess emissions by stationary sources and products of stationary sources, including interim and emergency variances in specified circumstances. Existing law requires written findings to be made by the hearing board before granting any variance, and sets forth procedures for the revocation or modification of any variance. Existing law specifies criminal and civil penalties for violations of laws relating to excess emissions from stationary sources of air pollution and products from stationary sources, and permits a hearing board to issue an order of abatement if it finds that any person is in violation of any order, rule, or regulation prohibiting or limiting the discharge of air contaminants into the air.

This bill would require the air districts, on or before December 31, 2007, and biennially thereafter, to submit specified reports to the State Air Resources Board, which would in turn be required, on or before March 31, 2008, and biennially thereafter, to publish the reports on its Internet Web site. The bill would also require the state board to notify the Legislature of the existence of the reports and to provide the Legislature with the specific location (Uniform Resource Locator (URL) or Internet Protocol (IP) address) where the information can be accessed, viewed, downloaded, or otherwise obtained.

Because this bill would impose certain requirements on local districts, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions~~ *no reimbursement is required for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 40866 is added to the Health and Safety Code, to read:

40866. (a) Each district shall, on or before December 31, 2007, and biennially thereafter, submit to the state board, in a format identified by the state board, the following information:

(1) The number of variances requested and granted by ~~each~~ *the* district.

(2) The shortest, longest, and average length of ~~orders of~~ *variances granted by the district*.

(3) The number of orders of abatement ~~requested and granted by each~~ *issued by the* district.

(4) The shortest, longest, and average length of orders of abatement *issued by the district*.

(5) The total ~~amount~~ *volume* of excess emissions allowed by the granting of variances ~~or orders of abatement~~ and whether the excess emissions allowed are inconsistent with the state implementation plan.

(b) The state board shall, on or before March 31, 2008, and biennially thereafter, compile and publish the district reports required by subdivision (a) on its Internet Web site. The state board shall notify the Legislature that the reports are published and provide the Legislature with the specific location (Uniform Resource Locator (URL) or Internet Protocol (IP) address) where the information can be accessed, viewed, downloaded, or otherwise obtained.

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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